

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

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CIVIL ACTION NO. 04-30020-MAP
U.S. DISTRICT COURT
DISTRICT OF MASS.

DAVID MAZZA,
Plaintiff

vs.

VERIZON SICKNESS AND ACCIDENT
DISABILITY BENEFIT PLAN FOR
NEW ENGLAND ASSOCIATES¹, VERIZON
COMMUNICATIONS, INC., AETNA
CASUALTY AND LIFE INSURANCE
COMPANY,
Defendants

**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

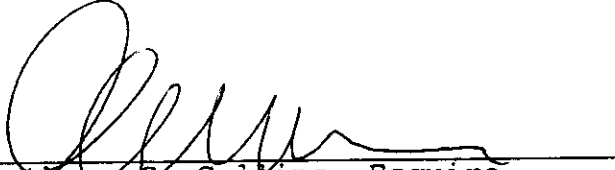
Pursuant to Fed. R. Civ. P. 56, the Plaintiff, David Mazza, hereby moves this Honorable Court to grant summary judgment in his favor for the reasons set forth below in the appended Memorandum of Law. Alternatively, while the parties have compiled an agreed upon record and requested that the court

¹ Pursuant to 29 U.S.C. 1132(a)(1)(B) and (d)(2) and Section 3.2.2 of the Verizon Sickness and Accident Disability Plan for New England Associates (which states in relevant part that "[t]he Plan is the proper named defendant for any lawsuit relating to a claim for benefits under the Plan..."), the Plan and its sponsor are named as Defendants herein. Nevertheless, in so designating the Plan and its sponsor as party Defendants, it is not the Plaintiff's intent, express or implied, to waive any claims against any or all of the following entities or organizations (whether legally recognized or not) which may have had involvement in the events which comprise the subject matter of the instant complaint and which are expressly enumerated as the "Plan Administrator and Plan Sponsor" in Section 3.1 of the Plan: Verizon's Bell Atlantic Corporate Employees' Benefits Committee; Verizon Claims Review Committee; and what has been designated as the "Benefits Administrator", "Claims Administrator", "Appeals Administrator", and "Final Appeals Administrator" in the above referenced Section 3.1 of the Plan.

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treat their respective summary judgment motions as dispositive, the Plaintiff would submit that there are genuine issues of material fact that preclude summary judgment in favor of the Defendant Verizon Sickness and Accident Disability Benefit Plan for New England Associates (hereinafter "Verizon").

THE PLAINTIFF
DAVID MAZZA



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Dated: April 12, 2005